

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEANTE YOUNG,

Petitioner,

v.

KENNETH T. MCKEE,

Respondent.

---

Case No. 08-cv-10417

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**(docket no. 11) AND DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

In a petition for a writ of habeas corpus, Deante Young challenges his conviction in state court of second-degree murder and possession of a firearm during the commission of a felony. The petition was referred to Magistrate Judge Paul J. Komives for all pretrial proceedings. Judge Komives has recommended that the petition be denied and that the Court deny a certificate of appealability. Young has not filed objections. The Court will adopt the recommendation without review and deny the petition.

A district court's required review of a magistrate judge's report and recommendation depends upon whether a party files objections. With respect to portions of a report that no party objects to, the Court need not undertake any review at all. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Further, failure to file specific objections constitutes a forfeiture of any right to appeal the district court's judgment. *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981).

The last page of Judge Komives' report notified the parties that any objections were to be filed within fourteen days of the date of service of the report, as permitted by both 28

U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(3). See *Walters*, 638 F.2d at 950 (“[W]e hold that a party shall be informed by the magistrate that objections must be filed within ten days or further appeal is waived.”).

No objections have been filed and the time for filing them has passed. For this reason, the Court need not conduct any review of the report and recommendation. The Court will adopt Judge Komives’s recommendation that the Court deny the petition.

**WHEREFORE**, it is hereby **ORDERED** that the report and recommendation (docket no. 11) is **ACCEPTED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that the petition for a writ of habeas corpus is **DENIED**.

**IT IS FURTHER ORDERED** that the Court **DECLINES** to issue a certificate of appealability on any issue.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: May 11, 2011

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 11, 2011, by electronic and/or ordinary mail.

Carol Cohron  
Case Manager